IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.1757 OF 2005

Mr.Pratod Karnik ..Petitioner

Vs.

CEAT Financial Services Ltd. & Anr. ..Respondents

...

Mr.S.S.Bhise Advocate for Petitioner
Ms.S.V.Gajare A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 1,2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of proceedings relating to Criminal Case No. 482/SS/2005 pending before the Metropolitan Magistrate, 30th Court, Kurla, Mumbai. In the said case, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act. The learned advocate for the

petitioner submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the petitioner is set aside, the proceedings in respect of the petitioner, would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the matter before the

trial Court is kept on 6.9.2005. In this view of the matter, the trial Court shall not proceed with the trial on 6.9.2005 and for a further period of three weeks thereafter.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

7. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]